

January 19, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
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Mr. Jason C. Marshall
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 N. Akard, Suite 1800 Lincoln Plaza
Dallas, Texas 75201

OR99-0128

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121321.

The City of Coppell (the "city"), which you represent, received a request for offense report #98-38431. You contend that the report is excepted from disclosure under section 552.108 of the Government Code. However, we find that the report is excepted from disclosure pursuant to section 552.101 of the Government Code as information deemed confidential by law.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as Family Code section 58.007. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

(1) kept separate from adult files and records; and

¹The Attorney General will raise section 552.101 on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

(2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The report at issue is a law enforcement record concerning juvenile conduct that occurred after September 1, 1997. Thus, the report is confidential pursuant to section 58.007(c) of the Family Code. Accordingly, the city must withhold the report from disclosure under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hartaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 121321

Enclosures: Submitted documents

cc: Mr. Marvin S. Livingston
239 Woodhurst
Coppell, Texas 75019
(w/o enclosures)